

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

SHAABAN SHAABAN HAFED,	)	
	)	
Plaintiff,	)	
vs.	)	1:10-cv-191-WTL-DML
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**ENTRY**

This civil action brought by a federal prisoner was dismissed on the basis of rules recognized in *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999). Final judgment was entered on the clerk's docket on March 26, 2010. The plaintiff has filed a motion to alter erroneous judgment. The plaintiff signed such motion on April 2, 2010, and in the circumstances of this case, that is the date on which the motion can be considered to have been "filed." *Jones v. Bertrand*, 171 F.3d 499 (7th Cir. 1999).

Given the timing of the plaintiff's motion for relief from judgment relative to the entry of final judgment, and given the arguments set forth in such motion, the motion is treated as a motion pursuant to Rule 59(e) of the *Federal Rules of Civil Procedure*. See *Borrero v. City of Chicago*, 456 F.3d 698, 701-02 (7th Cir. 2006) (explaining that whether a motion filed within the time period contemplated by Rule 59(e) should be analyzed under Rule 59(e) or Rule 60(b) of the *Federal Rules of Civil Procedure* depends on the *substance* of the motion, not on the timing or label affixed to it). The purpose of a motion to alter or amend judgment under Rule 59(e) is to have the court reconsider matters "properly encompassed in a decision on the merits." *Osterneck v. Ernst and Whinney*, 489 U.S. 169, 174 (1988).

The Court of Appeals has explained that there are only three valid grounds for a Rule 59(e) motion--newly-discovered evidence, an intervening change in the law, and manifest error in law. See *Cosgrove v. Bartolotta*, 150 F.3d 729, 732 (7th Cir. 1998).

There was in this case no manifest error of law or fact. The court correctly identified and noted the plaintiff's history of frivolous litigation, explained the consequence of such litigation as to yet another request to proceed *in forma pauperis*, and ruled accordingly. Accordingly, the post-judgment motion for relief from judgment (dkt 10) is **denied**.

**IT IS SO ORDERED.**

Date: 04/14/2010



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

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